



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/811,584

03/20/2001

Katsuya Yamada

122.1442

9225

21171 7590 08/21/2008

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

BRUCKART, BENJAMIN R

ART UNIT

PAPER NUMBER

2146

MAIL DATE

DELIVERY MODE

08/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/811,584	Applicant(s) YAMADA ET AL.	
	Examiner BENJAMIN R. BRUCKART	Art Unit 2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3,4,8,9,11,12,15,16 and 19-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3,4,8,9,11,12,15,16 and 19-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Status of Claims:

Claims 3, 4, 8, 9, 11, 12, 15, 16, 19-39 are pending in this Office Action.

Claims 1-2, 5-7, 10, 13-14, 17-18 remain cancelled.

Claims 22-39 are new.

The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

Response to Arguments

Applicant's arguments filed in the amendment filed 7/7/08, have been fully considered but are moot in view of new grounds of rejection. The reasons are set forth below.

Applicant's invention as claimed:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2146

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2146

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No 6,421,777 by Pierre-Louis et al (herein after "PL") in view of U.S. Patent No. 6,959,368 by St. Pierre et al.

Regarding claim 19, the PL reference teaches a method for automatically setting an environment of a client computer in a client/server system (PL: col. 1, line 66- col. 2, line 14), comprising:

instructing an agent residing on the client to install data on the client according to a reading of a script residing on the server wherein said server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely (PL: col. 6, lines 21-30, 42-58; bios=agent; bootstrap=script).

The PL reference fails to teach preparing, at a server, a plurality of kinds of data as backup data;

selecting one of the plurality of kinds of data to be installed in the client.

However, the St. Pierre reference teaches preparing, at a server, a plurality of kinds of data as backup data (St. Pierre: col. 11, lines 15-28; col. 15, lines 32-33);

selecting one of the plurality of kinds of data to be installed in the client (St. Pierre: col. 15, lines 48-62) in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of PL to include the selective backup and restoration of files as taught by St. Pierre in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

Claims 3, 11, 15; 8; 20; 21 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al ("herein referred to as Seli") in view of U.S. Patent No 6,421,777 by Pierre-Louis et al (herein after "PL") in further view of U.S. Patent No. 6,959,368 by St. Pierre et al.

Regarding claim 3, the Seli reference teaches an apparatus for setting environment of a client in a client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

Art Unit: 2146

a unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51- col. 3, line 4); and

a unit that installs data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4), wherein:

data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7), is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach the server issuing a client switching instruction.

However, the PL reference teaches wherein said server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely (PL: col. 6, lines 21-30, 42-58) in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of setting an environment of a client as taught by Seli to include server switching for local or remote boots as taught by PL in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

Art Unit: 2146

The modified Seli reference fails to teach a server preparing a plurality of kinds of data as backup data, and selecting one of the plurality of kinds of data to be installed in the client.

However, the St. Pierre reference teaches:

a unit keeping a log of processing performed on said client (St. Pierre: col. 4, lines 30-44) and periodically acquiring the selected one kind of data from said client before said replacement (St. Pierre: col. 14, lines 11-16);

preparing, at a server, a plurality of kinds of data as backup data (St. Pierre: col. 11, lines 15-28; col. 15, lines 32-33), selecting one of the plurality of kinds of data to be installed in the client (St. Pierre: col. 15, lines 48-62) in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include the selective backup and restoration of files as taught by St. Pierre in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

Regarding claim 11, the modified Seli reference teaches the apparatus for setting the environment of a client in a client/server system according to claim 3.

The Seli and PL references fail to teach a log.

However, the St. Pierre reference teaches a unit keeping a log of processing performed on said client (St. Pierre: col. 4, lines 30-44) in order to keep track of files backed up and their corresponding locations for restoration (St. Pierre: col. 4, lines 32-44).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include logging which files have been backed up as taught by St. Pierre in order to keep track of files backed up and their corresponding locations for restoration (St. Pierre: col. 4, lines 32-44).

Regarding claim 15, the modified Seli reference teaches the apparatus for setting the environment of a client in a client/server system according to claim 3.

The Seli and PL references fail to teach a periodic backup.

However, the St. Pierre reference teaches a client periodically sends document data to said server (St. Pierre: col. 14, lines 11-16) in order to incrementally backup files which have changed or save on backup storage media space (St. Pierre: col. 14, lines 18-22).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include the selective backup and restoration of files as taught by St. Pierre in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

Regarding claim 8, the Seli reference teaches a method for setting the environment of a client in a client/server system (Seli: col. 6, lines 53-67), said method comprising:

recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51-col. 3, line 4); and

installing data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4), wherein:

data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7), is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach the server issuing a client switching instruction.

However, the PL reference teaches wherein said server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely (PL: col. 6, lines 21-30, 42-58) in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of setting an environment of a client as taught by Seli to include server

Art Unit: 2146

switching for local or remote boots as taught by PL in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

Art Unit: 2146

The modified Seli reference fails to teach a server preparing a plurality of kinds of data as backup data, and selecting one of the plurality of kinds of data to be installed in the client.

However, the St. Pierre reference teaches:

a unit keeping a log of processing performed on said client (St. Pierre: col. 4, lines 30-44) and periodically acquiring the selected one kind of data from said client before said replacement (St. Pierre: col. 14, lines 11-16);

preparing, at a server, a plurality of kinds of data as backup data (St. Pierre: col. 11, lines 15-28; col. 15, lines 32-33), selecting one of the plurality of kinds of data to be installed in the client (St. Pierre: col. 15, lines 48-62) in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include the selective backup and restoration of files as taught by St. Pierre in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

Regarding claim 20, the Seli reference teaches an apparatus for setting an environment of a client in a client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

a first unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 11, lines 31-42; col. 13, lines 5-32);

a second unit that installs data (Seli: col. 11, lines 31-42; col. 13, lines 5-32), which is backed up from said hard disk provided in a said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof, said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4).

The Seli reference fails to teach the server issuing a client switching instruction.

However, the PL reference teaches a server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely (PL: col. 6, lines 21-30, 42-58;

Art Unit: 2146

bios=agent; bootstrap=script) in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of setting an environment of a client as taught by Seli to include server switching for local or remote boots as taught by PL in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

The modified Seli reference fails to teach a server preparing a plurality of kinds of data as backup data, and selecting one of the plurality of kinds of data to be installed in the client.

However, the St. Pierre reference teaches preparing, at a server, a plurality of kinds of data as backup data (St. Pierre: col. 11, lines 15-28; col. 15, lines 32-33), selecting one of the plurality of kinds of data to be installed in the client (St. Pierre: col. 15, lines 48-62) in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include the selective backup and restoration of files as taught by St. Pierre in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

Regarding claim 21, the Seli reference teaches a method for setting an environment of a client in a client/server system (Seli: col. 6, lines 53-67), comprising:

downloading backup data to said client from said server (Seli: col. 2, lines 65-col. 3, line 4).

The Seli reference fails to teach the server issuing a client switching instruction.

However, the PL reference teaches

issuing a client switching instruction from said server wherein said client switching instruction instructs said client to boot from said server (PL: col. 6, lines 21-30, 42-58); issuing a client switching instruction from said server wherein said client switching instruction instructs said client to boot from said client (PL: col. 6, lines 21-30, 42-58; bios=agent;

Art Unit: 2146

bootstrap=script) in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of setting an environment of a client as taught by Seli to include server switching for local or remote boots as taught by PL in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

The modified Seli reference fails to teach selecting one of the plurality of kinds of data prepared as backup data in a server.

However, the St. Pierre reference teaches selecting one of the plurality of kinds of data prepared as backup data in a server (St. Pierre: col. 11, lines 15-28; col. 15, lines 32-33) in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include the selective backup and restoration of files as taught by St. Pierre in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

The modified Seli reference fails to teach a server preparing a plurality of kinds of data as backup data, and selecting one of the plurality of kinds of data to be installed in the client.

However, the St. Pierre reference teaches preparing, at a server, a plurality of kinds of data as backup data (St. Pierre: col. 11, lines 15-28; col. 15, lines 32-33), selecting one of the plurality of kinds of data to be installed in the client (St. Pierre: col. 15, lines 48-62) in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include the selective backup and restoration of files as taught by St. Pierre in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

Art Unit: 2146

Claims 4, 12, 16; 9 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al (“herein referred to as Seli”) in view of U.S. Patent No 6,421,777 by Pierre-Louis et al (herein after “PL”) in further view of U.S. Patent No. 6,959,368 by St. Pierre et al in further view of U.S. Patent No. 6,487,718 by Rodriguez et al.

Regarding claim 4, the Seli reference teaches an apparatus for setting environment of a client in a client/server system (Seli: col. 6, lines 53-67), said apparatus comprising:

a unit recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51-col. 3, line 4); and

a unit that installs data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), said data being installed on said client by an agent residing on said client according to a reading of an execution script residing on the server, wherein said server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely (Seli: col. 12, lines 50-63; col. 2, lines 65- col. 3, line 4), wherein:

data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7), is then installed in said client (Seli: col. 9, lines 3-10).

the selected one kind of data is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach the server issuing a client switching instruction.

However, the PL reference teaches wherein said server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely (PL: col. 6, lines 21-30, 42-58) in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of setting an environment of a client as taught by Seli to include server switching for local or remote boots as taught by PL in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

Art Unit: 2146

The modified Seli reference fails to teach a server preparing a plurality of kinds of data as backup data, and selecting one of the plurality of kinds of data to be installed in the client.

However, the St. Pierre reference teaches preparing, at a server, a plurality of kinds of data as backup data (St. Pierre: col. 11, lines 15-28; col. 15, lines 32-33), selecting one of the plurality of kinds of data to be installed in the client (St. Pierre: col. 15, lines 48-62) in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include the selective backup and restoration of files as taught by St. Pierre in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

The modified Seli reference fails to teach updating to the latest version.

However, the Rodriquez reference teaches updating to the latest version (Rodriquez: col. 6, lines 59- col. 7, line 18) in order to overcome the problem of having an installer or technician to physically travel to the client (Rodriquez: col. 7, lines 6-17).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by modified Seli to include updating to the latest version as taught by Rodriquez in order to eliminate the need for personnel to physically travel to the client (Rodriquez: col. 7, lines 6-17).

Regarding claim 12, the modified Seli reference teaches the apparatus for setting the environment of a client in a client/server system according to claim 4.

The Seli, PL, and Rodriquez references fail to teach a log.

However, the St. Pierre reference teaches a unit keeping a log of processing performed on said client (St. Pierre: col. 4, lines 30-44) in order to keep track of files backed up and their corresponding locations for restoration (St. Pierre: col. 4, lines 32-44).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include logging which files have been backed up as taught by St. Pierre in order to keep track of files backed up and their corresponding locations for restoration (St. Pierre: col. 4, lines 32-44).

Regarding claim 16, the modified Seli reference teaches the apparatus for setting the environment of a client in a client/server system according to claim 4.

The Seli, PL, and Rodriquez fail to teach a periodic backup.

However, the St. Pierre reference teaches a client periodically sends document data to said server (St. Pierre: col. 14, lines 11-16) in order to incrementally backup files which have changed or save on backup storage media space (St. Pierre: col. 14, lines 18-22).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include the selective backup and restoration of files as taught by St. Pierre in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

Regarding claim 9, the Seli reference teaches a computer readable program recording medium for recording a program causing a computer to set the environment of a client in a client/server system (Seli: col. 6, lines 53-67), by:

recognizing that replacement of a hard disk of a client is performed (Seli: col. 2, lines 51-col. 3, line 4); and

installing data (Seli: col. 3, lines 5-11), which is backed up from said hard disk provided in said client before the replacement thereof and subsequently and preliminarily stored in a server (Seli: col. 2, lines 65-col. 3, line 4), in response to the replacement thereof onto a hard disk provided in said client after the replacement thereof (Seli: col. 2, lines 51-65), wherein:

data backed up in the environment just before the replacement (Seli: col. 3, lines 61- col. 4, line 7), is then installed in said client (Seli: col. 9, lines 3-10).

The Seli reference fails to teach the server issuing a client switching instruction.

However, the PL reference teaches wherein said server includes a manager issuing a client switching instruction instructing said client to boot locally or remotely (PL: col. 6, lines 21-30, 42-58) in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of setting an environment of a client as taught by Seli to include server switching for local or remote boots as taught by PL in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

The modified Seli reference fails to teach a server preparing a plurality of kinds of data as backup data, and selecting one of the plurality of kinds of data to be installed in the client.

However, the St. Pierre reference teaches preparing, at a server, a plurality of kinds of data as backup data (St. Pierre: col. 11, lines 15-28; col. 15, lines 32-33), selecting one of the plurality of kinds of data to be installed in the client (St. Pierre: col. 15, lines 48-62) in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include the selective backup and restoration of files as taught by St. Pierre in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

The modified Seli reference fails to teach updating to the latest version.

However, the Rodriquez reference teaches updating to the latest version (Rodriquez: col. 6, lines 59- col. 7, line 18) in order to overcome the problem of having an installer or technician to physically travel to the client (Rodriquez: col. 7, lines 6-17).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by modified Seli to include updating to the latest version as taught by Rodriquez in order to eliminate the need for personnel to physically travel to the client (Rodriquez: col. 7, lines 6-17).

Claims 22-26, 28-32, 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al (“herein referred to as Seli”) in view of U.S. Patent No 6,421,777 by Pierre-Louis et al (herein after “PL”) in further view of U.S. Patent No. 6,959,368 by St. Pierre et al in further view of U.S. Patent No. 5,828,820 by Onishi et al.

Regarding claims 22, 28 and 34; the Seli reference teaches a server, method and computer readable medium for setting an environment of a client through a network (Seli: col. 6, lines 53-67), comprising:

- a storing unit storing a control file and an agent, said control file including backed-up data of said hard disk of said client, and control information for performing processes to install said backed-up data to said client (Seli: col. 12, lines 50-59; the instructions), and said agent performing installation processes to said client according to the control information included in the control file (Seli: col. 12, lines 50-63; the loader);

- a recognition unit recognizing whether or not replacement of the hard disk of the client was performed (Seli: col. 2, lines 51- col. 3, line 4);

- a transmission unit transmitting said agent to said client when the recognition unit recognizes that replacement of the hard disk of the client was performed (Seli: col. 12, lines 50-63; col. 2, lines 51-65);

- an installation unit making said agent, which was sent to said client, to perform installation of the backed-up data of said hard disk of said client (Seli: col. 3, lines 5-11).

The Seli reference fails to teach a switching unit rebooting said client local from network.

However, the PL reference teaches a switching unit rebooting said client so that a boot of said client is changed from a boot through the network to a boot by said hard disk of said client (PL: col. 6, lines 21-30, 42-58) in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of setting an environment of a client as taught by Seli to include server

Art Unit: 2146

switching for local or remote boots as taught by PL in order to update and upgrade various programs on client devices (PL: col. 1, lines 55-60).

The modified Seli reference fails to teach a completion information unit.

However, the St. Pierre reference teaches a reception unit receiving a completion information of the installation of the backed-up data from said agent to the client (St. Pierre: col. 4, lines 30-44) in order to keep track of files backed up and their corresponding locations for restoration (St. Pierre: col. 4, lines 32-44).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include logging which files have been backed up as taught by St. Pierre in order to keep track of files backed up and their corresponding locations for restoration (St. Pierre: col. 4, lines 32-44).

The modified Seli reference does not teach comparing a new hard drive serial number with a previous hard drive serial number but does teach storing previous hardware serial numbers (Seli: col. 8, lines 4-25).

However, the Onishi reference teaches a recognition unit recognizing whether or not replacement of the hard disk of the client was performed by comparing the serial number of said hard disk of said client stored in the storing unit with a serial number of a hard disk of said client received from said client (Onishi: col. 5, lines 63- col. 6, line 4) in order to initiate restoration of an original disk that crashed from a backed up mirror (Onishi: col. 1, lines 38-52).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include comparing hard drive numbers as taught by Onishi in order to initiate restoration of an original disk that crashed from a backed up mirror (Onishi: col. 1, lines 38-52).

Regarding claims 23, 29 and 35; the modified Seli reference teaches a server, method and computer readable medium according to claims 22, 28, and 34.

The Seli reference fails to teach a server preparing a plurality of kinds of data as backup data, and selecting one of the plurality of kinds of data to be installed in the client.

However, the St. Pierre reference teaches preparing, at a server, a plurality of kinds of data as backup data (St. Pierre: col. 11, lines 15-28; col. 15, lines 32-33), selecting one of the

Art Unit: 2146

plurality of kinds of data to be installed in the client (St. Pierre: col. 15, lines 48-62) in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include the selective backup and restoration of files as taught by St. Pierre in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

Regarding claims 24, 30 and 36; the modified Seli reference a server, method and computer readable medium according to claims 23, 29 and 35.

The Seli reference fails to teach a unit selecting the kinds of the backed-up data based on selecting operations of a management apparatus connected to said server through the network.

However, the St. Pierre reference teaches a unit selecting the kinds of the backed-up data based on selecting operations of a management apparatus connected to said server through the network (St. Pierre: col. 11, lines 15-28; col. 15, lines 32-33), selecting one of the plurality of kinds of data to be installed in the client (St. Pierre: col. 15, lines 48-62) in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the invention of the modified Seli to include the selective backup and restoration of files as taught by St. Pierre in order to select specific backup files reducing unnecessary time and backup storage media space (St. Pierre: col. 11, lines 45-52).

Regarding claims 25, 31 and 37; a server, method and computer readable medium according to claim 23, wherein one kind of the backed-up data is backed-up data which was just previously installed from said server to said client (Seli: col. 3, lines 61- col. 4, line 7; last connected to the server).

Regarding claims 26, 32 and 38; a server, method and computer readable medium according to claim 23, wherein one kind of the backed-up data is backed-up data including operating systems

Art Unit: 2146

and programs which were installed at the time of initially setting said client (Seli: col. 3, lines 5-11; col. 4, lines 1-7; application programs and critical hardware components before new hardware).

Claims 27, 33, and-39 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 6,209,089 by Selitrennikoff et al (“herein referred to as Seli”) in view of U.S. Patent No 6,421,777 by Pierre-Louis et al (herein after “PL”) in further view of U.S. Patent No. 6,959,368 by St. Pierre et al in further view of U.S. Patent No. 5,828,820 by Onishi et al in further view of U.S. Patent No. 6,487,718 by Rodriguez et al.

Regarding claims 27, 33 and 39; the modified Seli reference teaches a server, method and computer readable medium according to claim 23, wherein one kind of the backed-up data includes programs which were installed at the time of initially setting said client (Seli: col. 3, lines 61- col. 4, line 7).

The Seli reference fails to teach updating to the latest version.

However, the Rodriquez reference teaches installing programs are ones which were updated before the replacement of said hard disk of said client (Rodriquez: col. 6, lines 59- col. 7, line 18) in order have the most up to date files and overcome the problem of having an installer or technician to physically travel to the client (Rodriquez: col. 7, lines 6-17).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the apparatus for setting the environment of a client in a client/server as taught by modified Seli to include updating to the latest version as taught by Rodriquez in order have the most up to date files and overcome the problem of having an installer or technician to physically travel to the client (Rodriquez: col. 7, lines 6-17).

REMARKS

Applicant has provided only arguments with no amendments to the previously presented claims. And new claims 22-39.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R. Bruckart whose telephone number is (571) 272-3982. The examiner can normally be reached on 9:00-5:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin R Bruckart
Examiner
Art Unit 2146

/Benjamin R Bruckart/
Examiner, Art Unit 2146